



Internet Filtering
Requirements:
CIPA and PA 212

Background on CIPA

- CIPA = Children's Internet Protection Act
- Signed into law December 21, 2000 as part of a larger spending package
 - Consolidated Appropriations Act, 2001;
PL 106-554, Sections 1701-1741
- Went into effect July 1, 2001

Background on CIPA 1

- Establishes policy requirements for federal technology funding for K-12 schools and public libraries:
 - E-rate (Telecommunications Act of 1996)
 - Library Services & Technology Act (LSTA)
 - Title III of Elementary & Secondary Education Act (ESEA)

Background on CIPA 2

- Special provisions for E-rate users:
 - Does NOT apply to telecom-only funding
 - Must meet additional Internet safety policy requirements under Neighborhood Children's Internet Protection Act (N-CIPA)
 - CIPA addresses the filtering requirement and the need for an Internet Safety Policy
 - N-CIPA focuses on what has to be included in a school or library Internet safety policy

CIPA Requirements

- Requires adoption and implementation of an “Internet Safety Policy”
- For all LSTA, ESEA, and E-rate fund applicants, means operation of a “technology protection measure” that blocks or filters Internet access to **visual depictions** that are:

CIPA Requirements 1

- Obscene
- Child pornography
- Harmful to minors

Minor = An individual
who has not attained
the age of 17

CIPA Requirements 2

- For E-rate fund applicants only, requires other safety and security measures for minors (as called for in N-CIPA) re:
 - E-mail
 - Chat rooms
 - Other direct electronic communications (e.g., Instant Messaging)
 - “Hacking” and other unlawful online activities
 - Unauthorized disclosure of personal ID info on minors

CIPA Requirements 3

- For schools applying for E-rate funds, also requires that the Internet Safety Policy include monitoring the online activities of minors
 - Note: 1) **Libraries** are not required to monitor the activities of minors; 2) CIPA and N-CIPA do not require schools or libraries to **track** Internet use by identifiable users

CIPA Requirements 4

- Requires public hearing or meeting on the Internet Safety Policy
 - Must provide reasonable public notice for the hearing or meeting
- Disabling of filtering is allowed:
 - For authorized **adult** use for “bona fide research or other lawful purposes”

Background on PA 212

- PA 212 went into effect in Michigan on October 1, 2000
- It amended PA 37 that went into effect August 1, 1999
- PA 37 amended PA 7 that went into effect February 6, 1998
- PA 7 amended PA 455 (1982)

PA 212

- Focus is on **minors** only, not adults
- Amended section 6 of MCL 397.606 as added by PA 37 requiring the governing body of the library to **adopt and require enforcement of a policy that restricts access to minors to the Internet** or computer systems in 1 of the following ways:

PA 212 - 1

- (a) **Both** of the following:
 - (i) By making available, to individuals of any age, 1 or more terminals that are restricted from receiving obscene matter or sexually explicit matter that is harmful to minors; AND
 - (ii) By reserving, to individuals 18 years of age or older or minors who are accompanied by their parent or guardian, 1 or more terminals that are NOT restricted from receiving any material.

PA 212 - 2

OR

- (b) By utilizing a system or method that is designed to prevent a minor from viewing obscene matter or sexually explicit matter that is harmful to minors.
 - Possibilities:
 - Internet filtering
 - Monitoring

PA 212 - 3

In Michigan, you must comply with PA 212 whether or not you apply for E-rate funds.

CIPA and PA 212 Compliance?

- i)* CIPA requires that **adults** also be protected from viewing visual depictions that are obscene or child pornography, PA 212 does not;
- ii)* CIPA does **not** require that verbal or performance material be blocked from minors or adults whereas PA 212 does

How Do I Certify?

- Year 5
 - Certification will be made on Form 486 (July 2001 version)
 - Must be fully in compliance by July 1, 2002 to be eligible for funding (unless have obtained a waiver)

What If I Choose NOT to Implement CIPA?

- You are still eligible to receive universal discounts on telecommunications services
 - Simply file a Form 486 for your telecommunications discounts with the box for “CIPA does not apply” checked

LSTA Funding Issues

- FY 2002 competitive grant program is not subject to CIPA compliance
- In FY 2003, libraries will need to assure the IMLS* that LSTA funds will be used in accordance with CIPA requirements

*Institute of Museum and Library Services

What the FCC Rules Don't Require

- E-rate applicants do not have to
 - certify the effectiveness of their filtering
 - track attempts to access prohibited material
 - further define prohibited material or actions
 - establish specific provisions to disable protection measures for lawful research
 - post actual CIPA requirements
 - post text of their Internet safety policies

Court Actions

- ALA and ACLU lawsuits challenge the applicability of CIPA to libraries
 - May 15, 2001 ruling in U.S. District Court requires libraries to indicate in PY4 that they are “evaluating their options”
 - Full-blown trial tentatively scheduled for February 14, 2002

Advice

Schools, school districts, libraries and library consortia should seek the advice of legal counsel in an attempt to ensure that their actions are in compliance with the letter of the law(s)